

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

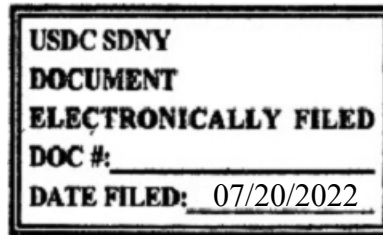
BDG GOTHAM RESIDENTIAL, LLC, et al.,

Plaintiffs,

-against-

WESTERN WATERPROOFING
COMPANY, INC., et al.,

Defendants.



19-CV-6386 (CM) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during Monday morning's status conference, it is hereby
ORDERED as follows:

1. Deferred Prosecution Agreement (DPA). The parties shall promptly meet and confer in an effort to resolve their disagreement over whether and to what extent the Stipulation of Facts (SOF) portion of Western Waterproofing's DPA with the N.Y. County District Attorney's Office can be used in this litigation at deposition and/or trial. No later than **August 1, 2022**, the parties shall file a joint letter apprising the Court as to whether they have reached agreement on this issue. If they have, they may present a stipulated order for the Court's signature. If they have not, they shall propose a schedule for any necessary motion practice.
2. Electronically Stored Information (ESI) Production. No later than **August 1, 2022**, plaintiffs shall produce to defendants all outstanding ESI associated with the designated custodians agreed upon by the parties.
3. Discovery Schedule. For the reasons discussed during today's conference, the Court is not convinced that any efficiencies would be gained by coordinating the discovery schedule in this action with the schedule in *Western Waterproofing Co.*,

Inc. v. Zurich Am. Ins. Co., et al., No. 20-CV-3199 (S.D.N.Y.). Consequently, the following deadlines shall govern this action:

- a. Fact Discovery. All fact discovery, including fact depositions, shall be completed no later than **November 1, 2022**. Requests for Admission (RFAs), if any, shall be served no later than **October 3, 2022**. Plaintiffs' currently pending RFAs are deemed WITHDRAWN without prejudice to plaintiffs' ability to serve the same or similar RFAs, or a subset thereof, after the DPA issue is resolved.
- b. Expert Discovery. All expert discovery, including expert depositions, shall be completed no later than **January 20, 2023**.
- c. Close of Discovery. All discovery shall be completed no later than **January 20, 2023**.
4. Status Conference. The Court will hold a further status conference on **October 20, 2022, at 10:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. No later than **October 13, 2022**, the parties shall file a joint status letter, in accordance with my Individual Practices, updating the Court on the progress of discovery and succinctly identifying any scheduling or discovery disputes that require judicial intervention.

Dated: New York, New York
July 20, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge